

WORKING ARRANGEMENT ON TRANSFER OF CERTAIN STANDARDISATION CO-ORDINATION ACTIVITIES FROM JAA TO EASA

The EASA Executive Director and the JAA Chief Executive

having regard to

- the Model of Relationship between EASA and JAA envisaged in Option 3, as agreed by ECAC DGAC Special Meeting in Yalta in August 2002;
- the content of the Report of the Working Group on the JAA-EASA Transition as accepted by the JAAB 03/3 on July 7, 2003, and
- the JAA membership of EASA per 25 November 2003,

whereas:

- a) The Central JAA (CJAA) has certain standardisation activities in progress covering some EU and non-EU JAA Member States in the following areas:
 - Maintenance Organisation Approval and Maintenance Training Organisation Approval through MAST;
 - Production Organisation Approval through POAST;
 - Design Organisation Approval through DOAST;
 - Primary Certification Authority through PCAST;
- b) The C JAA has a Standardisation Programme in place covering certain non-JAA Member States with which CJAA has an international Working Arrangement:
 - Maintenance Organisation Approval through MIST;
- c) All the above activities were carried-out at CJAA by relevant Standardisation Co-ordinators, who are not - or will not be - by the end of October 2004, working for CJAA any more;
- d) The CJAA does not intend to replace the above Standardisation Co-ordinators;
- e) The C JAA is going to adopt new procedures for DOA, POA, MOA and Product(s) Certification of non-EU JAA Member States following EASA signature of Cyprus Arrangements, where a certain standardisation activity is envisaged for the accreditation of such Member States;

and whereas:

- f) The EASA Quality & Standardisation (Q&S) Directorate cannot start its own standardisation programme until the EU Commission has defined the Agency's working methods in accordance with Art. 16.4 of Regulation (EC) No 1592/2002;
- g) On November 1, 2004 the Head of Standardisation Department of EASA Q&S Directorate will join the Agency, and by 1st December additional staff will join the Standardisation Department;

have agreed the following

1. Objective

- 1.1. The objective of this Arrangement is to establish responsibilities, criteria, timing and methods, including transition measures, for the transfer of certain JAA standardisation activities to EASA.
- 1.2. The standardisation activities subject of this Arrangement will be co-ordinated by EASA on behalf of CJAA.

2. Definitions

For the purpose of this Arrangement:

- 2.1. “Starting Date” is the date referred to as in 5. below.
- 2.2. “Transition Period” is the period of time between the Starting Date and the date of approval of the Agency’s working methods by the Commission, as per *whereas (f)*.
- 2.3. “On-going JAA standardisation activity” means any activities, from applications onwards, which either started or took place before the Starting Date and are still in progress, or were already planned by CJAA to be implemented within the Transition Period;
- 2.4. “Future JAA standardisation activity” means any activities, for which applications will be presented at or after the Starting Date.
- 2.5. “EASA Member State” means an EU Member State or a non-EU JAA Member State, which has entered into agreements with the European Community as specified in Art. 55 of Regulation (EC) No 1592/2002;
- 2.6. “non-EASA Member State” means a JAA Member State, with is not included in the definition above.

3. Scope

This Arrangement applies to:

- 3.1. any on-going and future JAA standardisation activities for MOA, MTOA, DOA, POA and PCA for the non-EASA Member States;
- 3.2. any on-going only JAA standardisation activities for MOA, MTOA, DOA, POA and PCA for the EASA Member States;
- 3.3. any on-going and future JAA standardisation activities for MOA under international Working Arrangements with non-JAA Member States.

4. Responsibility

- 4.1. EASA will take-over the responsibility for the full co-ordination of the above defined JAA standardisation activities.
- 4.2. The responsibility of EASA will be limited to the co-ordination activity only. JAA will remain responsible of the overall standardisation process, including the issuing of the final statement of mutual recognition of the concerned JAA NAA, except for the cases as in 7.4.3.

5. Starting Date

On November 1, 2004 EASA will take-over the responsibilities as mentioned in 4.1.

6. Period of applicability

- 6.1. Referring to 3.1 and 3.3 above, EASA will perform the duties derived by its responsibility for an indefinite period of time, until otherwise dictated by a new or revised JAA procedure.
- 6.2. Referring to 3.2 above, EASA will perform the duties derived from its responsibilities for a limited period of time, i.e. the Transition Period. However, any activity initiated before the Starting Date under the JAA standardisation procedures, will be completed even after the ending of the Transition Period in accordance with such procedures, including the final statement of mutual recognition by CJAA, except for the cases as in 7.4.3.

7. Working methods

7.1. Procedures

All standardisation activity will be co-ordinated by EASA by using the current JAA standardisation procedures applicable to the relevant area, unless otherwise specified in this Agreement. Where such JAA procedures refer to EASA guidelines, criteria or procedures, any changes to these last ones are deemed to be immediately applicable to JAA procedures.

7.2. New applications

- 7.2.1. Any new application for JAA standardisation presented by a non-EASA Member State after the Starting Date shall be addressed directly to the EASA Q&S Directorate, with copy to CJAA.
- 7.2.2. Any new application for JAA standardisation presented by an EASA Member States after the Starting Date shall not be accepted.

7.3. Standardisation Teams

- 7.3.1. EASA is entitled by JAA to utilise for the JAA standardisation activity the same NAA members of the JAA standardisation teams, giving once and for all notice of it to the NAA via the transmission of this Arrangement.
- 7.3.2. EASA will take the responsibility of standardisation training or briefing, if necessary, of the JAA team members.
- 7.3.3. For the duration and the scope of this Arrangement, the agreement between CJAA and the NAA on the utilisation of the JAA team members will remain in place and will not be transferred to EASA.
- 7.3.4. After the Transition Period, for the standardisation activity related to the EASA Member States the JAA Standardisation Teams will also act as EASA Standardisation Teams, provided specific arrangements with the concerned EASA Member States for their utilisation are put in place. The composition of the teams will be then regulated by the Agency's working methods established in accordance with Art. 16.4 of Regulation (EC) No 1592/2002.

7.4. Statement of mutual recognition

- 7.4.1. The JAA standardisation teams, co-ordinated by EASA, will transmit all visit reports and the final recommendation report to the relevant EASA Co-ordinator. EASA will then formally transmit to CJAA the final recommendation report after its endorsement.
- 7.4.2. The responsibility to accept the results of the recommendation report and to issue the statement of mutual recognition will remain with CJAA. Such statement will also be copied by CJAA to EASA Q&S Directorate.
- 7.4.3. Notwithstanding what stated in 4.2, 6.2 and 7.4.1 above, neither PCA, nor DOA statements of mutual recognition can be issued by CJAA after the Starting Date for EASA Member States. Recommendations issued from JAA Teams after the Starting Date, resulting from on-going activities in this area initiated before the Starting Date, will be processed by EASA only, by issuing a statement of accreditation for the allocation of certification tasks, if so deemed necessary by EASA Certification Directorate.

8. Standardisation Programme

- 8.1. EASA, in performing its duties associated with this Arrangement, will apply the standardisation programme already defined by CJAA, as updated at the Starting Date.
- 8.2. For the scope as in 3.1, the programme will then be updated by EASA on the basis of new applications.
- 8.3. For the scope as in 3.2, the programme will be phased in at the end of the Transition Period with EASA's own standardisation programme.
- 8.4. For the scope as in 3.3, the programme will be either updated on the basis of new international working arrangements of JAA only, if any, or phased in with the EASA standardisation programme for the international Working Arrangements transferred by JAA to EASA, as the case may be.

9. Charges

- 9.1. The activity performed by EASA within the scope as in 3.1 will be charged to CJAA in accordance with the Annex II of the JAA/ EASA Service Contract no. 01/09-9-3, whilst the activity performed by EASA within the scope as in 3.2. and 3.3 will be at no charge for CJAA.
- 9.2. The costs associated with the utilisation of NAA members of Standardisation Teams will remain covered in accordance with the current arrangements between the CJAA and the JAA Member States. This will apply to the activities performed within the scope as in 3.1, and, during the Transition Period only, to the activities as in 3.2 and 3.3.
- 9.3. For the activities performed within the scope as in 3.2 after the ending date of the Transition Period, and for the activity performed within the scope as in 3.3 after the transfer of international working arrangements from JAA to EASA, if any, the costs associated with the utilisation of the NAA members of the Standardisation Teams will be

borne by EASA and subject to the Service Contract between EASA and the concerned NAA.

Signed by _____

A. Auer

JAA Chief Executive

Hoofddorp, Nov. 1, 2004

Signed by _____

P. Goudou

EASA Executive Director

Hoofddorp, Nov. 1, 2004

Focal points for the implementation of this Arrangement:

JAA – Focal Point Maintenance

JAA – Focal Point Certification

EASA – Q & S Directorate - Head of
Standardisation Department